

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN KEITH MCNUTT,

No. 2:20-cv-0780 AC P

**Plaintiff,**

## ORDER

JOHN DOE,

## Defendant.

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. ECF No. 1. For the following reasons, plaintiff will be ordered a second time to file a completed in forma pauperis application and to file a new prisoner trust fund account statement.

On April 30, 2020, plaintiff was directed to pay the filing fee or to submit an application to proceed in forma pauperis. ECF No. 3. On May 26, 2020, plaintiff filed an unsigned application to proceed in forma pauperis. ECF No. 4. As a result, on June 1, 2020, plaintiff was sent another in forma pauperis application and directed to complete and sign it. See ECF No. 5. At that time, plaintiff was warned that his failure to comply with the court's order would result in a recommendation that this action be dismissed. See ECF No. 5.

On June 17, 2020, instead of filing a completed and signed in forma pauperis form as the court had ordered, plaintiff filed a partial, uncertified and incomplete copy of his prison trust fund

1 account statement. See ECF No. 6. The document does not contain a signed in forma pauperis  
2 application with certification. See id.

3 Plaintiff may not proceed in forma pauperis if he refuses to file the documents needed to  
4 be granted in forma pauperis status. See generally 28 U.S.C. § 1915(a)(2). Despite the fact that  
5 plaintiff has again failed to comply with federal rules regarding the grant of in forma pauperis  
6 status as well as with this court's June 1, 2020 order, the court will give plaintiff a *final*  
7 opportunity to file the appropriate documents needed to proceed in forma pauperis.

8 Accordingly, IT IS HEREBY ORDERED that:

9       1. The Clerk of Court shall send plaintiff a third Application to Proceed In Forma  
10 Pauperis By a Prisoner;

11       2 Plaintiff's in forma pauperis application filed June 26, 2020 (ECF No. 4) is DENIED  
12 as incomplete, and

13       3. Within twenty-one days from the date of this order, plaintiff shall file:

14           a. A new application to proceed in forma pauperis that is completed, signed and  
15 certified, and

16           b. A certified prisoner trust fund account statement.

17 Plaintiff's failure to comply with this order will result in a recommendation that this  
18 action be dismissed without prejudice.

19 DATED: June 29, 2020

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21 ALLISON CLAIRE  
22 UNITED STATES MAGISTRATE JUDGE  
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